

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
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ANTHONY W. HALL, *as Trustee for B.A.H.*
Private Interest Foundation Holdings Trust,

Plaintiff,

-against-

NATIONSTAR MORTGAGE LLC,
AMERICAN HOME MORTGAGE CORP.,
HOMEWARD RESIDENTIAL, INC.,
MORTGAGE ELECTRONIC REGISTRATION:
SYSTEMS, INC. (MERS), FEDERAL
NATIONAL MORTGAGE ASSOCIATION,
BRADY NICHAS, MATTHEW J.
JOHNSTONE, JOHN/JANE DOE,

Defendants.
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MEMORANDUM & ORDER

13-cv-05550 (ENV) (CLP)

VITALIANO, D.J.,

Plaintiff Anthony W. Hall, appearing *pro se* in his capacity as trustee for B.A.H. Private Interest Foundation Holdings Trust (the “trust”), commenced this action in Supreme Court, Kings County, asserting various state and federal law claims against the defendants relating to a mortgage loan. Defendants Nationstar Mortgage LLC (“Nationstar”), Mortgage Electronic Registration Systems, Inc. (“MERS”), and Federal National Mortgage Association (“Fannie Mae”) (collectively, the “Nationstar defendants”) removed the suit to this Court on October 8, 2013, on the grounds of federal question and diversity jurisdiction.¹ Hall

¹ These defendants assert that they are the only defendants who have been served in this action.

has filed a motion to remand to state court.

Discussion

It is settled law that an artificial entity, such as a trust, “may not appear in a lawsuit . . . except through an attorney.” *Grace v. Bank Leumi Trust Co. of NY*, 443 F.3d 180, 192 (2d Cir. 2006) (quoting *SEC v. Research Automation Corp.*, 521 F.2d 585 (2d Cir. 1975)); *Bell v. S. Bay European Corp.*, 486 F. Supp. 2d 257, 259 (S.D.N.Y. 2007) (“A trust is deemed an artificial entity for the purposes of the rule barring a nonlawyer trustee from representing the interests of the trust.”); *see also Jones v. Niagara Frontier Transp. Auth.*, 722 F.2d 20, 22 (2d Cir. 1983) (explaining reasoning for this rule).

Hall is a nonattorney trustee, and as such, he may not bring this suit on behalf of the trust in this Court unless represented by an attorney.² Accordingly, the Court will stay the case for 30 days to give plaintiff the opportunity to obtain counsel. If plaintiff does not appear by a licensed attorney admitted to practice before this Court within 30 days, the case will be dismissed without prejudice.

² The Court takes judicial notice of the fact that Hall is not a licensed attorney in either New York State or this district.

Conclusion

For the reasons stated above, the case is stayed for 30 days. If plaintiff does not appear by a licensed attorney admitted to practice before this Court within 30 days of the entry of this Order on the docket, the complaint will be dismissed without prejudice.

SO ORDERED.

**Dated: Brooklyn, New York
November 22, 2013**

/S/ Judge Eric N. Vitaliano

ERIC N. VITALIANO
United States District Judge